



CRL OP(MD) No.909 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.909 of 2024

SEVUGAN

... PETITIONER/SOLE ACCUSED

Vs

1 THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MELUR,MADURAI DISTRICT.
CRIME NO.176 OF 2023.

...RESPONDENT NO.1

2 S.BAGAMPRIYA

... RESPONDENT NO.2

For Petitioner : MR.A.S.VAIGUNTH, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.176 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



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respondent police for the alleged offence under Sections 294(b), 342, 323 and 506(ii) of IPC in Crime No.176 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the daughter of the petitioner. Due to the harassment made by the petitioner, the mother of the defacto complainant committed suicide four years back. As a father, the petitioner failed to take care of his children, namely, the defacto complainant and her brother. Hence, they are under the care and custody of their grandmother, who is none other than the own elder sister of the petitioner. In such circumstances, the petitioner married another woman secondly. Since there is no sufficient amount to maintain themselves, the defacto complainant and her brother demanded money from the petitioner to maintain themselves. The petitioner refused the same and threatened them with dire consequences and also attacked them with hand and strangulated their neck with the shawl of the defacto complainant Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this is the second anticipatory bail



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petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.13791 of 2023 was dismissed by this Court on 04.01.2024. However, the petitioner is ready to pay a sum of Rs.5,000/- per month to the defacto complainant and her brother as maintenance on or before 5th day of every English Calender Month. To that effect he has also filed an undertaking Affidavit before this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that because of the harassment made by the petitioner, the mother of the defacto complainant committed suicide. Subsequently, the petitioner married another woman and refused to take care of the children namely, the defacto complainant and her brother. However, the petitioner is come forward to pay a sum of Rs.5,000/- per month to the defacto complainant as maintenance, this Court may consider this petition.

5. Considering the facts and circumstances of the case and also considering the undertaking affidavit filed by the petitioner that he is ready to pay a sum of Rs.5,000/- per month to the defacto complainant and her brother as maintenance on or before 5th day of every English Calender Month, this Court is inclined to grant



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anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Melur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) per month to the defacto complainant and her brother as maintenance on or before 5th day of every English Calender Month, failing which, the anticipatory bail granted to the petitioner by this Court shall stand automatically vacated.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;



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(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2024

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/01/2024

Sub-Assistant Registrar (C.S- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE COURT, MELUR,

<https://www.mhc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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3. THE INSPECTOR OF POLICE

KEELAVALAVU POLICE STATION, MELUR,MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.909 of 2024

Date :23/01/2024

RK/DD (30/01/2024) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023